

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LUTHER LOPEZ)	
)	
Plaintiff,)	
)	
v.)	
)	
TRANSUNION, EXPERIAN and CHEX)	CASE NO.:
SYSTEM;)	
)	
Defendants.)	
)	
)	
)	
_____)	

DEFENDANT TRANSUNION, AKA TRANS UNION, LLC’S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, Defendant TransUnion, aka Trans Union, LLC (“TransUnion”) hereby files this Notice of Removal of the above-captioned action to this Court on the following grounds:

1. TransUnion is a named Respondent in Index No. 732/2024 filed by Plaintiff Luther Lopez (“Plaintiff”) in the Supreme Court of the State of New York, County of Dutchess (the “State Court Action”).
2. The Summons with Notice in the State Court Action was filed with the Clerk of the Supreme Court of the State of New York, County of Dutchess on September 6, 2024.
3. This Notice is being filed with this Court within thirty (30) days after TransUnion received a copy of Plaintiff’s initial pleading setting forth the claims for relief upon which Plaintiff’s action is based.
4. This Court is the proper district court for removal because the State Court Action is pending within this district.

5. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon TransUnion in the State Court Action is attached hereto as **Exhibit A**.

6. TransUnion is a corporation which, for monetary fees, regularly engages in whole or in part in the practice of assembling consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties. TransUnion uses means or facilities of interstate commerce for the purpose of preparing or furnishing consumer reports, and therefore is a “consumer reporting agency” within the meaning of 15 U.S.C. § 1681a(f).

7. Experian is a corporation which, for monetary fees, regularly engages in whole or in part in the practice of assembling credit information or other information on consumers for the purpose of furnishing consumer reports to third parties. Experian uses means or facilities of interstate commerce for the purpose of preparing or furnishing consumer reports, and therefore is a “consumer reporting agency” within the meaning of 15 U.S.C. § 1681a(f).

8. Chex System is a corporation which, for monetary fees, regularly engages in whole or in part in the practice of assembling credit information or other information on consumers for the purpose of furnishing consumer reports to third parties. Chex uses means or facilities of interstate commerce for the purpose of preparing or furnishing consumer reports, and therefore is a “consumer reporting agency” within the meaning of 15 U.S.C. § 1681a(f).

9. Certain of the claims for relief against Defendants alleged in the State Court Action arise under the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* Thus, this Court has original subject matter jurisdiction over the above-captioned action pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1681p. The above-captioned action may properly be removed to this United States District Court pursuant to 28 U.S.C. § 1441(a).

10. Pursuant to 28 U.S.C. § 1367(a), this Court has supplemental jurisdiction over Plaintiff's other potential claims for relief arising under the New York Fair Credit Reporting Act, N.Y. GEN. BUS. LAW § 380 *et seq.* ("NY FCRA"), as these claims arise from the same operative facts and form part of the same case or controversy.

11. As of the date of this Notice, Defendant TransUnion has been served with the Summons and Notice of Petition in the State Court Action.

12. As of the date of this Notice, Defendant Experian has not been served with the Summons or Notice of Petition. Experian was served with an Order to Show Cause issued by Justice Acker in the State Court, but Experian was not served with the papers upon which the Order was based. Though Experian takes the position that it has not been properly served in this lawsuit, Experian's consent to removal is attached hereto as **Exhibit B**.

13. As of the date of this Notice, Chex System has not been served with the Summons and Notice of Petition or Order to Show Cause. However, counsel for Ches System has provided consent to remove, which is attached hereto as **Exhibit C**.

14. Promptly after the filing of this Notice of Removal, TransUnion shall provide notice of the removal to Plaintiff in the State Court Action and shall file a copy of this Notice with the clerk of the court in the State Court Action, as required by 28 U.S.C. § 1446(d).

Dated: October 18, 2024

BUCHANAN INGERSOLL & ROONEY PC

By: /s/ Andrew Hope

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